

Plaintiff's Exhibit "F"

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-CV-11838-PBS

*****X

LAYLA KIANI

Plaintiff

vs.

TRUSTEES OF BOSTON UNIVERSITY

Defendant

*****X

DEPOSITION OF LAYLA KIANI, a witness
called on behalf of the Defendant, pursuant to the
applicable provisions of the Massachusetts Rules of
Civil Procedure, before Camille Macomber, Registered
Professional Reporter and Notary Public within and
for the Commonwealth of Massachusetts, at Boston
University, 765 Commonwealth Avenue, Boston,
Massachusetts, on Thursday, April 21, 2005,
commencing at 10:00 a.m.

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2

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On behalf of the Defendant

I N D E X

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(Exhibits Retained by Attorney Elswit)

1 LAYLA KIANI,
2 whose identify was attested to by
3 Attorney Elswit and Attorney Tariri, was duly

4 sworn by the Notary Public, was examined and
5 testified as follows:

6

7 DIRECT EXAMINATION

8 BY MR. ELSWIT:

9 Q Ms. Kiani, I'm Larry Elswit.

10 A Hi.

11 Q How do you do.

12 MR. ELSWIT: I want to propose a few
13 stipulations before we begin, Ben. I would
14 propose that we take this deposition in
15 accordance with the Massachusetts Rules of Civil
16 Procedure. That we waive the filing. I would
17 like the witness to sign the transcript, which
18 she need not sign it in front of a Notary.
19 Would reserve all motions to strike, and reserve
20 all evidentiary objections, except as to form
21 until trial, if it gets that far. Are you okay
22 with those stipulations?

23 MR. TARIRI: So stipulated.

24 Q Ms. Kiani, this is the deposition in the lawsuit

6

1 that you brought against Boston University and
2 several faculty and administrators who have
3 since been dismissed. In the Massachusetts
4 Rules of Civil Procedure, the protocol is as
5 follows. I have the right to ask you questions
6 about any subject that relates to this case, as

7 I see fit. You are required to answer them,
8 except insofar as your attorney may instruct you
9 not to answer them because of a privilege or
10 some other matter. Your attorney may object
11 from time to time because of procedural issues
12 or form issues or evidentiary issues, but you
13 still need to answer the questions unless he
14 tells you not to. Do you understand those
15 rules?

16 A I realize that, yes.

17 Q Because this is a formal proceeding, everything
18 that is said here is going to be recorded, and
19 everything that is said here will end up in a
20 transcript that Mr. Tariri and I can use to
21 advocate for our respective clients in this
22 case. Do you understand that?

23 A Yes, I do.

24 Q Because you're under oath, your sole obligation

7

1 today is to tell the truth.

2 A Absolutely.

3 Q Can you understand me in this tone of voice?

4 A I can.

5 Q I tend to speak fast, please tell me to slow
6 down, feel free to tell me if you don't
7 understand a question, if it's inarticulate or
8 run together or complex or any other problem

9 that you have with the way I ask questions,
10 because if you answer the question, the law
11 assumes that you understand the question.

12 A I understand.

13 Q If you need a break for any reason at any time,
14 you're free to take it.

15 A Right.

16 Q No explanations are necessary. The only
17 exception is that if there is a question
18 pending, you need to answer the question before
19 you take your break.

20 A I understand that.

21 Q If you talk to your attorney at any time during
22 the course of this proceeding while you're under
23 oath, I have the right to ask you about those
24 communications, which I generally will not do,

8

1 but I'm just telling you that that's the law.

2 Ms. Kiani, are you in relatively good
3 health at the moment?

4 A No.

5 Q Give me your health situation.

6 A I have gotten worse since I filed this case.

7 Q Perhaps we'll explore that, but I'm mostly
8 interested in your ability to understand my
9 questions.

10 A Yes.

11 Q You can hear me and you can understand me?

12 A Yes.

13 Q Your comprehension is in tact?

14 A Yes.

15 Q Have you ever been deposed before?

16 A I have not.

17 Q Have you ever given sworn testimony in any
18 proceeding?

19 A I have not.

20 Q Did you meet with your attorney in preparation
21 for this deposition?

22 A I did.

23 Q Was anyone else present?

24 A My mother.

9

1 Q Because your mother was present, and she is not
2 a party to this case, your communications with
3 your attorney are not privileged; however, I do
4 not intend to explore that area, but I just want
5 you to understand that the privilege is broken
6 when a non participant in this matter is a party
7 to communications between you and your attorney.

8 MR. TARIRI: If I may object. She was
9 present, but we spoke in English and she does
10 not speak English.

11 MR. ELSWIT: That simplifies matters.

12 Q When did you meet with your attorney?

13 A The last time?

14 Q In preparation for this deposition?

15 A Last Thursday, I believe it was.

16 Q Did you review documents?

17 A Yes.

18 Q Do you remember what documents you reviewed?

19 MR. TARIRI: Can you ask that question
20 again?

21 Q Do you remember what documents you reviewed?

22 A You just said when the last time was that I met
23 with him.

24 Q Yes.

10

1 A The last time we did not review documents.

2 Q Have you reviewed documents on your own or with
3 your attorney in preparation for this
4 deposition?

5 A Yes.

6 Q What did you review?

7 A What is my review?

8 Q What did you review?

9 A Anything that we had from BU that was sent over,
10 anything that I had when the charges were filed,
11 and there was some of it that I had. I had sent
12 him medical records on my own and stuff. So
13 things like that.

14 Q Ms. Kiani, where do you live right now?

15 A Do you want the physical address?

16 Q Please.

17 A 86 East Howard Street in Quincy.

18 Q Do you have a home telephone number?

19 A Yes, (781)929-9966.

20 Q Do you live with your mother?

21 A I do.

22 Q Anybody else?

23 A No.

24 Q You graduated from the University of Texas at

11

1 Arlington in 2000; correct?

2 A I did.

3 Q You were at Boston University Law School from

4 the fall of 2000 until the spring of 2003;

5 correct?

6 A Yes.

7 Q Have you had any other education since the

8 spring of 2003?

9 A I have not.

10 Q Have you been employed since the spring of 2003?

11 A I have not.

12 Q In your response to Boston University's request

13 for documents, you submitted several letters

14 from law firms in response to in inquiry about

15 your efforts to find work.

16 A Right.

17 Q Do those letters reflect the cumulative effort

18 to seek work on your part?

19 A Yes.

20 Q I want to just take care of some preliminary
21 business with you quickly. I'm going to ask
22 Ms. Macomber to mark the Complaint in this case
23 as Exhibit 1, and your response to Boston
24 University's First set of Answers to

12

1 Interrogatories as Exhibit 2.

2 (The documents were marked as
3 Exhibit Nos. 1 and 2.)

4 Q Ms. Kiani, have you had an opportunity to look
5 at Exhibit 1, the Complaint in this case?

6 A I have.

7 Q Did you read the Complaint before it was filed?

8 A Yes.

9 Q Do you agree with all of the assertions of fact
10 contained in the Complaint?

11 A Yes.

12 Q Ms. Kiani, turning to Exhibit 2, the very last
13 page, which is not numbered, but it's the last
14 page, is a signature above your name. Is that
15 your signature?

16 A Yes.

17 Q Did you review the response to interrogatories
18 before they were submitted to Boston University?

19 A Which one is that?

20 Q The document in front of you, Exhibit 2.

21 A Yes.

22 Q Are you today willing to say that these
23 accurately reflect the events as you best
24 understood them at the time?

13

1 A Yes.

2 Q By the way, Ms. Kiani, at some point you changed
3 your name from Jamshid, I believe?

4 A Yes.

5 Q When did that take place?

6 A Summer of 2001.

7 Q After your first year of law school?

8 A Yes.

9 Q Why did you change your name? Very briefly, I
10 don't want to get into anything personal here.

11 A Familiar reasons.

12 Q Ms. Kiani, do you know who Allan Macurdy is?

13 A I do.

14 Q Who is Allan Macurdy?

15 A He works with the Office of Disability Services.

16 Q At Boston University?

17 A Yes.

18 Q If I were to tell you that Mr. Macurdy is the
19 Director of Disability Services, would you have
20 any reason to disagree with me?

21 A No.

22 Q Do you know whether he is, in fact, the
23 director --

24 A He is, I have looked at the website.

14

1 Q Have you met with Mr. Macurdy?

2 A I have.

3 Q Did you talk with Mr. Macurdy about your need
4 for accommodations?

5 A I did.

6 Q When?

7 A Well, after I had gotten accepted to BU, that's
8 usually the process of when you go and apply for
9 that.

10 Q Did you talk with Mr. Macurdy in the summer of
11 2000?

12 A That's correct.

13 Q Did you tell Mr. Macurdy that you needed
14 accommodations?

15 A Yes.

16 Q Did you give Mr. Macurdy any documents to
17 support your request for accommodations?

18 A I did.

19 (The document was marked as Exhibit
20 No. 3.)

21 Q Ms. Kiani, can you identify the document that
22 has been marked as Exhibit 3?

23 A Yes, it's a letter by my physician from Scottish
24 Rite Hospital saying that he has treated me

15

1 since the age of 4 until 1996, and he talks
2 about my symptoms of having Cerebral Palsy. I
3 guess that's it.

4 Q In the second paragraph, he writes, and I'm
5 going to read this and just tell me if I read it
6 correctly. Quoting now, "Due to Layla's
7 decreased hand function, she will require extra
8 time for exams and will need to be allowed to
9 tape lectures. She also will need a table that
10 is wheelchair accessible."

11 A That's correct.

12 Q I read it correctly?

13 A Yes.

14 Q Did you present this letter to Mr. Macurdy --

15 A I did.

16 Q -- in the summer of 2002?

17 A Of 2002?

18 Q I beg your pardon, the summer of 2000.

19 A Yes.

20 Q Ms. Kiani, just to make it easier for
21 Ms. Macomber, please wait until I finish the
22 question even though you know the answer.

23 A Sorry.

24 Q It's okay, it's a very common practice among

16

1 enthusiastic witnesses.

2 (The document was marked as Exhibit

3 No. 4.)

4 Q Have you read Exhibit 4?

5 A I have.

6 Q Can you identify it?

7 A Yes, I wrote this to Mr. Macurdy.

8 Q Exhibit 4 says, in part, "Attached is the letter
9 from my doctor discussing my disability and the
10 accommodations I will be needing." Did you send
11 Exhibit 3, the letter from Dr. Herring with
12 Exhibit 4 to Mr. Macurdy?

13 A I did.

14 (The document was marked as Exhibit
15 No. 5.)

16 Q Have you read Exhibit 5?

17 A I have.

18 Q Have you seen Exhibit 5.

19 A I have not.

20 Q Exhibit 5 refers to you by your former name?

21 A Correct.

22 Q As does Exhibit 4 and as does Exhibit 3?

23 A Yes.

24 Q We're still talking about you, though?

17

1 A Yes.

2 Q Ms. Kiani, although you have not seen Exhibit 5
3 before, would you agree that Exhibit 5 is a
4 recommendation that you receive the
5 accommodations suggested by Dr. Herring and

6 requested by you?

7 A Yes.

8 Q Do you see Dean Cass' signature on the bottom of
9 Exhibit 5?

10 A Yes.

11 Q Looks like Dean Cass signed off on this
12 recommendation on September 13th?

13 A That looks to be correct.

14 Q That's of the year 2000, your first year of law
15 school?

16 A Yes.

17 (The document was marked as Exhibit
18 No. 6.)

19 Q Have you looked at Exhibit 6?

20 A I have.

21 Q What is Exhibit 6?

22 A It's a letter from Mr. Macurdy to myself
23 confirming the accommodations.

24 Q Take a look at Exhibit 6, who's the signatore?

18

1 Who signed Exhibit 6?

2 A It's Ida Ten, she's the Associate Registrar.

3 Q So Exhibit 6 is a letter from Ms. Ten to you --

4 A Yes.

5 Q -- confirming the accommodations?

6 A Yes.

7 Q That's dated October 6, 2000?

8 A Yes.

9 Q Ms. Kiani, were you satisfied with the
10 accommodations set out in Exhibits 4 through 6?

11 A At what point?

12 Q You requested the accommodations that
13 Dr. Herring recommended; right?

14 A Right.

15 Q In Exhibit 4, you sent those accommodations to
16 Mr. Macurdy?

17 A Right.

18 Q In Exhibit 5, Mr. Macurdy recommended that Dean
19 Cass endorse them, and he did, as we can see by
20 his signature?

21 A Yes.

22 Q And Exhibit 6 is a letter from Ms. Ten to you
23 formally informing you of the accommodations.

24 A Yes.

19

1 Q Were you content with those accommodations?

2 A No.

3 Q Why not?

4 A These accommodations -- when I first asked for
5 them, I wasn't a law student. I had gotten
6 accepted to the University, but it's a whole
7 different thing when you're a prospective
8 student than when you're a current student. So
9 when I got there and saw after the first two
10 weeks, I saw what it was like to be a law

11 student, I wasn't happy with them, no.

12 Q Why was that?

13 A It's my own disability, I couldn't take notes.

14 Q Did you seek additional accommodations as a
15 result?

16 A I did.

17 Q What accommodations did you seek?

18 A I went to talk to Mr. Macurdy to let him know
19 that I was uncomfortable and I needed a
20 stenographer.

21 Q What did Mr. Macurdy say?

22 A No.

23 Q Did he tell you why?

24 A I couldn't have one -- I couldn't have one here

20

1 because I didn't have one in college.

2 Q Was this a face-to-face conversation?

3 A Yes.

4 Q Did this conversation take place after you
5 received the letter from Ms. Ten on October 6,
6 2000?

7 A I believe so.

8 Q Where did this take place?

9 A In his office.

10 Q Did this conversation take place in Macurdy's
11 office?

12 A Yes.

13 Q At 19 Deerfield Street?

14 A Yes.

15 Q What did you do next?

16 A Nothing. That whole conversation was so
17 uncomfortable. He didn't let me explain why I
18 thought I needed the stenographer. So then he
19 kind of looked at me like, "Is this conversation
20 over?" And it wasn't over for me.

21 Q Did he say that?

22 A No, you could tell, it was just in his face that
23 the whole conversation was like combative.
24 So -- sorry.

21

1 Q Do you want to take a break?

2 A No. So then he sent me -- I didn't do anything.
3 I left because I didn't want to make enemies. I
4 knew that I needed him for other things. It was
5 first year, it was two weeks into the school
6 year, so I didn't want to make enemies, and I
7 didn't know anything. So I didn't have to do
8 anything. He sent me what I thought was a nasty
9 e-mail afterwards.

10 Q Did you save that e-mail?

11 A No.

12 Q There were no e-mails produced between you and
13 Mr. Macurdy?

14 A That's not true.

15 Q Well, we can get to that. What did this e-mail

16 that you've just described as nasty say?

17 A It wasn't vulgar or anything, I want to be
18 really clear about that. It wasn't vulgar. He
19 said some things that I didn't think were his
20 place to say.

21 Q What did he say?

22 A Well, when he wasn't listening to me, my mom was
23 in there with me. He had invited her in, so she
24 was trying to explain to him through me that I

22

1 was tired and that she was noticing some of my
2 medical symptoms. But he -- I guess, he didn't
3 like that. So then in the e-mail he said, this
4 is a direct quote, I remember this exactly,
5 "While the presence of a personal care attendant
6 is not unique, giving deference to a personal
7 care attendance is."

8 And then this is another direct quote,
9 that he urged me not to have, quote, "triangular
10 conversations," as between me, someone else and
11 a third party such as my mother.

12 I didn't like what he had to say
13 because I didn't think it was -- didn't think it
14 was his place for him to be referring to my
15 mother as a personal care attendant and getting
16 into a section of my personal life. But
17 nonetheless, I wrote him back and I said, "I

18 appreciate that you've been candid with me, and
19 I hope that you will do that throughout my years
20 here at BU. My mother is special to me. If she
21 tries to be my advocate, I won't say no."

22 Q Did you save that e-mail?

23 A No, I didn't. I had it saved until second year.

24 Q After this exchange with Mr. Macurdy, what did

23

1 you do in regard to your accommodations?

2 A I'm not sure exactly the time line of this,
3 whether it was before or after I went to speak
4 with Mr. Macurdy, but at some point I did try
5 and speak with Dean Cass. I went to his office,
6 and on the way there I bumped into Sunny
7 Schlichter. She works with the Dean. I believe
8 she is in charge of the political plan. I told
9 her what had happened, I need a stenographer,
10 and I need to talk to Dean Cass. And she said
11 that she would relay the message, and Dean Cass
12 never got back to me.

13 Q Did you ever directly phone or send an e-mail to
14 Dean Cass?

15 A I did not. I believe I tried to talk to Dean
16 Chris Marx, and whenever I would talk to her
17 about accommodations, she would just wave her
18 hands like this (gestures), and say that is not
19 her area. It was my experience that everyone
20 pretty much in the law school was like

21 standoffish and didn't want to deal with the
22 issue of accommodations.

23 Q Did you ever have a face-to-face conversation
24 with Dean Marx in the fall of 2000 about your

24

1 accommodations requests?

2 A Yes, a couple.

3 Q How many?

4 A Several.

5 Q In one of your interrogatory answers you
6 mentioned that at some point Dean Marx put her
7 hands over her ears.

8 A That was later.

9 Q Not in the fall of 2000?

10 A That was much later. I will get to that, that's
11 a sensitive point.

12 Q What happened during your face-to-face
13 conversations with Dean Marx?

14 A Exactly what I had told you before, that she
15 would just wave her hands in the air and say,
16 "Well, that's just not our area." It's like
17 they would get so scared, and I didn't
18 understand why.

19 Q Did Dean Marx tell you who to take your
20 accommodation requests to?

21 A Mr. Macurdy.

22 Q Did you tell Dean Marx that you had not been

23 satisfied with your work with Mr. Macurdy --
24 your efforts to work things out with

25

1 Mr. Macurdy?

2 A Yes.

3 Q Did she tell you what to do next?

4 A No.

5 (The document was marked as Exhibit
6 No. 7.)

7 Q Ms. Kiani, please read Exhibit 7.

8 A (Witness reviews document.)

9 Q Just let me know when you're done?

10 A I'm finished.

11 Q You have read the whole thing?

12 A Yes.

13 Q Ms. Kiani, Exhibit 7 is a printout of an e-mail
14 exchange between you and Dean Marx; correct?

15 A Yes.

16 Q It has been Bate stamped as BU 0232 and produced
17 to your attorney during the course of discovery.

18 A This is the first time I have seen this.

19 Q Do you recall this e-mail exchange back in
20 October of 2000?

21 A I don't. I'm sorry.

22 Q Let's pick it up in the middle, beginning with
23 what appears to be an e-mail from you, "Dean
24 Marx, Hi, I went to my appointment with Alan

26

1 Macurdy," et cetera.

2 A Okay.

3 Q Does this sound like what you would have said to
4 the Dean after your appointment --

5 A Yes.

6 Q -- with Allan Macurdy? Wait until I'm finished.

7 A I'm sorry.

8 Q Does this sound like what you would have written
9 to Dean Marx after you met with Mr. Macurdy?

10 A Yes.

11 Q Now, in your e-mail to Dean Marx, you write --

12 I'm going to paraphrase and you tell me if my
13 paraphrase is accurate.

14 A Right.

15 Q Your e-mail to Dean Marx basically says, "I need
16 more than I have been given. How do I get it?"

17 A Right.

18 Q Is that a fair and accurate paraphrase?

19 A Yes.

20 Q In the last paragraph of your e-mail you write,
21 "What is the exact procedure of getting in touch
22 with the Provost, and is there any documentation
23 that can be used to show how my request is
24 supported by my disability." Did I read that

27

1 correctly?

2 A Yes.

3 Q So you have basically said to Dean Marx, "How do
4 I get in touch with the Provost? What do I need
5 to do to show that I need more accommodations."

6 A Right.

7 Q Is that accurate?

8 A Right.

9 Q Now, let's turn to the top half of Exhibit 7,
10 this is Dean Marx's reply to you; correct?

11 A Yes.

12 Q Now, Dean Marx says, "There is a grievance
13 procedure for the University for those who
14 believe they have been discriminated against on
15 the basis of disability. This procedure is in
16 the BU Life Book. I will put a copy of that
17 procedure in your mail file on the first floor."
18 Did I read that accurately?

19 A Yes.

20 Q What is a mail file? Is that a mailbox that all
21 students have?

22 A Yes.

23 Q Did you read the BU Student Life Book and see
24 the procedure for filing a complaint for

28

1 discrimination?

2 A When?

3 Q At the time that Dean Marx put --

4 A I'm sure. I don't remember, but I must have.

5 Q Did you file a complaint of discrimination on
6 the basis of disability?

7 A No.

8 Q Why not?

9 A I don't know why.

10 Q Further down, I'm going to read a little bit
11 more, "It sounds to me like you're not alleging
12 discrimination on the basis of disability, but
13 rather you are not satisfied with Mr. Macurdy's
14 determination that the transcriber is not
15 supported by your disability." Did I read that
16 correctly?

17 A Yes.

18 Q Dean Marx then goes on to tell you what to do to
19 get your accommodation.

20 A Yes.

21 Q She says to write to the Provost, Dr. Berkey,
22 and explain what accommodations you are
23 requesting, what accommodations Disability
24 Services provided you, why they were wrong.

29

1 A Right.

2 Q And then she says, and I'm quoting from Dean
3 Marx's e-mail to you, "You should also provide
4 documentation that might support your request."

5 A Right.

6 Q Did I read that correctly?

7 A That's correct.

8 Q Then she tells you how to reach the Provost,
9 Dr. Berkey?

10 A Right.

11 Q Did you write to Provost Berkey requesting an
12 accommodation?

13 A I did not.

14 Q Did you appeal to anyone from Mr. Macurdy's
15 decision?

16 A No, because I was told that Mr. Macurdy handles
17 the accommodations. I don't remember anything
18 about this e-mail.

19 Q Do you remember whether you wrote to Dr. Berkey,
20 the Provost?

21 A Absolutely not, I would have remembered that. I
22 did not write to him.

23 Q Did you send Dr. Berkey additional documentation
24 that might support your request for a

30

1 transcriber?

2 A No.

3 Q Did you send anyone documentation that might
4 support your request for a transcriber?

5 A No, I didn't know what other documentation I
6 could have given that I hadn't already.

7 Q Did you ask Dean Marx what other documentation
8 you could have given?

9 A No.

10 (Witness confers with Mr. Tariri
11 off the record.)

12 Q Ms. Kiani, I'm going to ask you not to talk with
13 your attorney unless you want me to learn about
14 it.

15 A Okay.

16 Q I don't want to do that, but you need to
17 understand the ground rules here.

18 A Right, okay.

19 Q Ms. Kiani, did you make any further attempts to
20 get additional accommodations?

21 A I did not.

22 (The document was marked as Exhibit
23 No. 8.)

24 A (Witness reviews document.)

31

1 Q Let me know when you're finished reading the
2 document that has been marked as Exhibit 8.

3 A I have finished.

4 Q Ms. Kiani, you are not copied on Exhibit 8, but
5 I wonder if you have seen it before either
6 because we produced it in discovery or it was
7 given to you at the time it was written?

8 A I have not.

9 Q Exhibit 8 is an exchange between Dean Marx and
10 the Office of Disability Services regarding
11 additional accommodations for your examinations;

12 is that correct?

13 A I disagree with the fact that you're saying that
14 they are additional.

15 Q Okay, go ahead, please explain why.

16 A When I had applied for accommodations, this is
17 something that I had requested, but it wasn't
18 through Dr. Herring. Mr. Macurdy said that I
19 could have whatever I had in college, and I did
20 have a scribe in college. And I provided him
21 documentation that showed my college
22 accommodations, so this was the original -- this
23 wasn't additional.

24 Q What is the difference between a scribe and a

32

1 stenographer?

2 A The difference between a scribe is that I would
3 dictate to a scribe, whereas a stenographer just
4 records conversations verbatim. I would dictate
5 to the scribe what I wanted written and whether
6 I wanted a period or a question mark, paragraph
7 indentation. A stenographer would already know
8 that.

9 Q So to take a practical example, would it be fair
10 to say that Ms. Macomber, our court reporter
11 today, is a stenographer?

12 A Yes.

13 Q But not a scribe?

14 A Yes.

15 Q In any case, you had a scribe for your
16 examinations?

17 A Yes.

18 Q Did the subject of your accommodations come up
19 at all at any point after the initial activity
20 in October of 2000?

21 A I do not recall.

22 Q Ms. Kiani, did you take any courses with
23 Professor Kate Silbaugh?

24 A I did.

33

1 Q What courses did you take with Professor
2 Silbaugh?

3 A I took Torts, and I also took Family Law.

4 Q When did you take each of these courses?

5 A Torts was first semester, so fall of 2000; and
6 Family Law was spring of 2003.

7 Q Did the issue of plagiarism arise in your Family
8 Law course with Professor Silbaugh?

9 A I was never charged with plagiarism.

10 Q Did the issue come up?

11 A How?

12 Q You tell me.

13 A It was addressed in the hearing.

14 Q What was the issue in Professor Silbaugh's
15 course?

16 A What did I write my paper on?

17 Q What did you write your paper on, and what were
18 the concerns that were raised about the paper
19 you wrote?

20 A I wrote my paper on comparing four states and
21 how they dealt with -- I don't recall this
22 exactly, but it was like how they dealt with
23 like if a spouse divorces you, what does he owe
24 you in supporting you or how the relationship is

34

1 defined. I'm not exactly sure.

2 Q Was there some question about the originality of
3 your work?

4 A Yes.

5 Q What was the question?

6 A Whether it was original, I guess.

7 Q Who raised that question?

8 A BU did.

9 Q Did Professor Silbaugh?

10 A No.

11 Q Did she ever talk to you about it?

12 A No.

13 Q How did the subject come up?

14 A Well, in July of 2003 when I was charged -- no,
15 wait. No, that's not correct. It came up
16 during a hearing, and that's all I can remember.

17 Q Ms. Kiani, please take a look at Exhibit 2, the
18 Plaintiff's Answers to Interrogatories submitted
19 by Boston University. In particular, I would

20 like you to look at Interrogatory Number 20,
21 which is three pages from the back. The pages
22 are not numbered.

23 A (Witness reviews document.) Yes.

24 Q Let me know when you have read --

35

1 A The response is on a different page?

2 Q Yes. Read the interrogatory and then read the
3 answer.

4 A (Witness reviews document.) Yes.

5 Q Have you read Interrogatory Number 20 and your
6 answer to Interrogatory Number 20?

7 A I have.

8 Q In Interrogatory Number 20, you indicate that
9 you became aware of discrimination during the
10 fall semester of 2000 because a student sitting
11 next to you in exam writing workshop had a
12 stenographer.

13 A Right.

14 Q The way you write this, I just don't understand.
15 You write, "I was sitting next to a stenographer
16 and I asked whom she was scribing for."

17 A Right.

18 Q "And she said that she was scribing for a
19 student."

20 A Right.

21 Q Earlier you testified that a stenographer and a

22 scribe are different?

23 A Right.

24 Q Was this stenographer stenotyping or scribing?

36

1 A Like Ms. Macomber is doing now.

2 Q So she wasn't scribing?

3 A No.

4 Q Did you find out if the student for whom this

5 particular stenographer was working had a

6 disability?

7 A The stenographer said that she was stenographing

8 for a student that couldn't be here.

9 Q Did the stenographer have the same sort of

10 machine that Ms. Macomber is using?

11 A Yes, it was very hard to miss, I was sitting

12 right next to her.

13 Q Did she tell you anything more about that

14 student?

15 A No, I was just in awe that I wish I had fingers

16 like that. I was just in awe, I was looking at

17 her screen, so I didn't bother to ask.

18 Q So all you knew is that someone who was not

19 there had a stenographer?

20 A Right.

21 Q That didn't inform you about that individual's

22 disabilities or whether that individual had

23 disabilities; right?

24 A No. You're correct.

1 Q Further on down, the answer to Interrogatory
2 Number 20, you state, "I again discovered
3 discrimination during the spring semester of
4 2003 when I was taking Family Law with Professor
5 Silbaugh and I saw a disabled student sitting in
6 front of me with his stenographer." Did I read
7 it correctly?

8 A Yes.

9 Q Ms. Kiani, I keep asking you if I read things
10 correctly because I just want the record to
11 reflect not that I'm a good reader, but that you
12 and I are in agreement that we're talking about
13 the same subject. So bear with me with what
14 probably seems like a silly question.

15 A That's fine.

16 Q Do you know the name of the disabled student
17 sitting in front of you?

18 A I do not.

19 Q Do you know what his or her disability was?

20 A I do.

21 Q Was it male or female?

22 A Male.

23 Q What was his disability?

24 A He was deaf.

1 Q Was there some unique technology that this
2 particular stenographer had?

3 A No, it was like Ms. Macomber.

4 Q So this student could not hear anything. Was he
5 profoundly deaf?

6 A I have no way of knowing that. However, I do
7 know that one time Professor Silbaugh had called
8 on him to answer a question. I could see him
9 writing his response, typing it out with his
10 fingers on the computer screen, and the
11 stenographer read it back to Professor Silbaugh.
12 So they communicated through the stenographer.

13 Q Do you know anything about what documentation
14 this student submitted to support that
15 particular accommodation?

16 A I don't.

17 Q Are you doing okay right now?

18 A I'm fine.

19 Q Remember, you can take a break whenever you
20 want.

21 A This is so interesting that I just don't want to
22 stop.

23 Q Most people don't have such positive reactions
24 to having their deposition taken.

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1 A It's okay, I have had worse.

2 Q My job is not to make you feel bad.

3 MR. TARIRI: You're doing a wonderful

4 job.

5 A Yes, you're being nice.

6 Q Who is Andrew Kull?

7 A He's my Restitution professor.

8 Q Professor Kull was one of the original
9 defendants in this lawsuit?

10 A Yes.

11 Q He has since been dismissed?

12 A Yes.

13 Q Why did you sue Professor Kull?

14 A My life was never the same after my encounters
15 with Professor Kull.

16 Q Why is that?

17 A It was just -- I just felt like my whole life
18 had been turned upside down by him, by what he
19 had done.

20 Q What did he do?

21 A I wrote a paper like other students did, I told
22 him that I was going to be going away. He said
23 it was fine. I left and I came back in February
24 and I noticed that all my grades were there

40

1 besides his.

2 Q Excuse me, but when did you take this class?

3 A The fall semester of 2003.

4 Q Of 2003?

5 A 3.

6 Q Could it be the fall semester of 2002?

7 A No, I think it was fall semester of 2003,

8 because then spring semester would have been my

9 last semester, so it was one semester before my

10 last one.

11 Q So it was the fall semester of the 2002/2003

12 academic year?

13 A Right.

14 Q We ordinarily refer to that as the fall of 2002.

15 I just need to understand that.

16 A Right.

17 Q So you took this course with Professor Kull in

18 the fall of 2002, you wrote a paper, told him

19 you were going away, and he said it was fine.

20 Was he referring to the paper? What was he

21 referring to when he said it was fine?

22 A I asked him whether it was okay that I go away.

23 Q Did he have any say over whether you went away

24 or not?

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1 A Well, I do care, so if he would have said that,

2 "I don't think you're going to finish on time,

3 or I'm just not happy," I would have stayed.

4 Q Where did you go?

5 A Middle East.

6 Q Where in the Middle East?

7 A Iran.

8 Q Had you planned that trip far in advance?

9 A It was during that same semester, earlier.

10 Q You planned it in September, October?

11 A Yes, we knew we were leaving by October.

12 Q Of 2002?

13 A Yes.

14 Q When did you leave? At the end of the semester?

15 A When all my exams were over. I don't remember.

16 Q The dates don't particularly matter, I just want

17 to tie this down. You took Restitution in the

18 fall of 2002?

19 A Yes.

20 Q You planned to go to Iran in October?

21 A Um-hmm.

22 Q And when the semester ended in December, you

23 went to Iran.

24 A Right.

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1 Q Before you went to Iran, you turned in your

2 paper to Professor Kull and told him you were

3 going away?

4 A Right, and several times before that I told him

5 I was going away.

6 Q How long were you there?

7 A Three weeks.

8 Q So you returned, you said February, would it be

9 January that you returned?

10 A I returned in January. I found out about the

11 problem with the paper in February.

12 Q What did you find out?

13 A Well, as I said, I looked on the student link,
14 and all my other grades were there except for
15 his. So I e-mailed him -- I remember this
16 clearly. This was a Friday, and I e-mailed him
17 over the weekend, and I said, "I hope you had a
18 nice holiday. I was wondering why I didn't get
19 my grade in yet." He didn't respond to me. So
20 my first reaction was to think that he had some
21 grades outstanding. It's not uncommon for
22 professors not to have the grades in. So I
23 checked the Registrar's website because they
24 list who still needs to show their grades. I

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1 didn't see any notes for his class on there. So
2 I called Mary Jo Sullivan, she said that all the
3 grades are in. So at that point I knew there
4 was a problem.

5 So Monday morning I go earlier and I
6 wait outside his office. He comes in, he looks
7 like he is not happy with me. He looks daunting
8 to me. So I said, "Can I talk to you?" He's
9 like, "I have a class right now. Why don't you
10 go and come back." So I go, so I come back, and
11 he sits me down and says, "I have discovered
12 that you have --" this is a direct quote --
13 "inadequate citations in your paper, and I have

14 decided to give you an F." And I say, "Well,
15 why didn't you tell me about this sooner?" He
16 says that he had lost my paper so he just now
17 found the paper again, so he couldn't have told
18 me about it sooner. I say, "But you did know I
19 was a third-year, right?" Because I'm
20 automatically thinking it is now the spring
21 semester, I'm thinking how am I going to make up
22 this class. He said, "Yes, I knew you were a
23 third-year."

24 I basically asked him what to do. And

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1 then I took -- I did what he told me to do which
2 was go to Chris Marx, talk to Chris Marx, see
3 what she says, try and sign up for an extra
4 class either during the summer or during that
5 same term.

6 Q Those are Dean Marx's recommendations?

7 A No, those were Professor Kull's. So I go to
8 Dean Marx's office, and my biggest issue at that
9 point was to try to tell Dean Marx that he lost
10 the paper, so at least because he lost the
11 paper, I thought the add/drop deadline should
12 have been extended, because it was his mistake
13 to lose the paper. And she advised me -- she
14 didn't let me tell her that part, she advised me
15 about petitioning the Academic Standards

16 Committee. Then when I tried to tell her, "But
17 Dean Marx, he lost the paper, therefore, I think
18 the add/drop deadline should be extended."
19 That's when she put her hands on her ears and
20 said, "I don't to hear it, Layla."

21 Q What happened next?

22 A I was in shock, like that whole entire time that
23 I was even talking to Professor Kull, I wanted
24 to die. I knew that what he said, that I didn't

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1 agree with it, but at that point you can't argue
2 at that point because you're so close to getting
3 done. So I just want you to know how in shock I
4 was. It was just awful. After that, I went
5 to -- Professor Pettit had always been like a
6 surrogate parent to me and an advisor. So I
7 went to go and find him and say, "Professor
8 Pettit, please advise me. This is what Dean
9 Marx did, please advise me."

10 So on the way there, I bump into Dean
11 Cass, and I say, "I have problem, can I please
12 talk to you." He's like, "Not today." I'm
13 like, "What about tomorrow?" He said, "I'm out
14 of town." So at that point I go to Professor
15 Pettit's office and I say, "Dean Cass is out of
16 town, Dean Marx just did this, I can't wait, I
17 need to talk to someone. Who is next in line to
18 Dean Cass?" And he says it was Dean Steve Marx.

19 Q Go ahead.

20 A So I go and I talk to Dean Steve Marx.

21 Q That was the Associate Dean at the time?

22 A I would say so. I talked to Dean Steve Marx, he
23 is very, very kind. He helps me write the
24 petition to the Academic Standards Committee.

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1 And I told him about all the problems that I had
2 with this particular Kull situation. So that's
3 when our relationship began that he started to
4 help me with all this. All these conversations
5 that I had were within a day or two, but the
6 whole process with Dean Steve Marx took a long,
7 long time. That was it.

8 Q What was the petition to the Academic Standards
9 Committee?

10 A The petition was to sign up for an independent
11 study class to take during the spring semester.
12 I had asked Wally Miller if I could take a class
13 with him, and I had explained to him the
14 problem -- the situation from Professor Kull.
15 And he had said that if it's fine with the
16 Academic Standards Committee, it's fine with
17 him.

18 Q What did the Academic Standards Committee say?

19 A They said no.

20 Q Why?

21 A Various reasons. A few of them being that the
22 add/drop deadline had already passed, that they
23 were very stringent about only letting students
24 take three hours of independent study. And

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1 since I had already done my independent study
2 with Professor Pettit, that I could not have
3 another one, another independent study. And the
4 third one being that there's just not enough
5 time, which wasn't true.

6 (The documents were marked as
7 Exhibit Nos. 9 and 10.)

8 Q Please let me know when you have finished
9 Exhibits 9 and 10?

10 A I'm finished. They are the same thing, aren't
11 they?

12 Q Not quite.

13 A Oh yes, okay.

14 Q Ms. Kiani, Exhibits 9 and 10 are letters to the
15 Academic Standards Committee from you, and they
16 are both dated February 25, 2005.

17 A Yes.

18 Q Ms. Kiani, Exhibits 9 and 10 are letters from
19 you to the Academic Standards Committee dated
20 February 25, 2005.

21 A Yes, I will explain that.

22 Q Please.

23 A When you print it out, my computer has default

24 set to where the date changes every day.

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1 Q So these letters were printed, I assume for
2 purposes of discovery in this lawsuit on
3 February 25, 2005? Let me rephrase the
4 question.

5 Would it be fair to say that on
6 February 25, 2005, you printed these letters out
7 in order to comply with the discovery request
8 Boston University filed in this lawsuit?

9 A Yes.

10 Q Would it be fair to say that these letters were
11 both written in the winter of 2003?

12 A Right. Can I just point something out?

13 Q Please do.

14 A This one that is numbered 9, this was after
15 Number 10 was submitted.

16 Q That's okay. Why don't you just state for the
17 record which came first. You have just said
18 that Exhibit 10 came first.

19 A Right.

20 Q Which is Exhibit 10?

21 A Exhibit 10 is the one that I ask to take an
22 independent study course with Professor Wally
23 Miller.

24 Q You testified earlier that the Academic

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1 Standards committee turned that request down?

2 A Yes.

3 Q Therefore, can we assume that, therefore, you
4 wrote what we have now marked as Exhibit 9
5 asking to take a course at Suffolk University of
6 Law?

7 A Yes.

8 Q Did the Academic Standards Committee allow you
9 to take the course at Suffolk?

10 A Yes, but it's not the course listed on here.

11 (The document was marked as Exhibit
12 No. 11.)

13 A I gave you this, I think.

14 Q Can you please identify Exhibit 11?

15 A Yes. It is a note from Dean Chris Marx to
16 myself that approves the class that I had asked
17 to take at Suffolk.

18 Q What's the date on that letter?

19 A April 1, 2003.

20 Q Did you end up taking the class?

21 A I did.

22 Q Now, I want to continue this thread with
23 Exhibit 12, even though it may appear that we're
24 jumping around a bit.

50

1 (The document was marked as Exhibit
2 No. 12.)

3 A (Witness reviews document.)

4 Q Can you identify Exhibit 12?

5 A It's a letter, again, from Dean Chris Marx to
6 myself. This was after I had been informed that
7 there were allegations of plagiarism,
8 subsequently I couldn't march in commencement
9 ceremonies. Therefore, Dean Marx is advising me
10 basically that I'm taking this class at my own
11 risk.

12 Q This class at Suffolk?

13 A Yes, because depending on the outcome of the
14 hearing or if Professor Mariner decides to give
15 me a grade before or at any time, I guess,
16 during the class starting, then I may not
17 receive credit for the class.

18 Q Do you remember receiving this e-mail?

19 A I do.

20 Q Just to complete with Professor Kull. You
21 failed Professor Kull's Restitution class?

22 A I did. And this other class was the makeup
23 class for that.

24 Q You said that Dean Steve Marx, I believe the

51

1 phrase you used, that he was nice?

2 A Very kind.

3 Q Very kind. And you said that he helped you

4 petition the Academic --

5 A The very first petition that says, "Due to a
6 lack of sufficient original work," he helped me
7 write that one, but the rest, I had written
8 myself.

9 Q He helped you write Exhibit 10 to the Academic
10 Standards Committee?

11 A May I see that again, please? (Witness reviews
12 document.) Yes.

13 Q Did Associate Dean Steve Marx talk to you at all
14 about the flaws that Professor Kull found in
15 your paper?

16 A Yes.

17 Q What did he tell you?

18 A Professor Kull never actually used the word
19 plagiarism when I met with him. He just said,
20 "Improper citations," something like improper
21 inadequate citations. So I went to Steve Marx,
22 I went to talk to him. He was the first one to
23 mention the word plagiarism. After --

24 Q Did he tell you you had plagiarized?

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1 A Yes.

2 Q Keep going. You seem like you were in the
3 middle of a thought there.

4 A After several conversations and when Professor
5 Kull decided not to press charges, which meant I
6 could continue on with the spring semester,
7 Steve Marx again handed -- told me about that

8 decision, that Professor Kull had decided not to
9 file disciplinary charges. He said he had
10 never -- this is a direct quote, "he had never
11 seen anybody get off so easy."

12 Q Did Professor Steve Marx explain what you had
13 done to plagiarize the paper you wrote for
14 Professor Kull?

15 A We never sat down to look at the paper to say
16 here's what you have done, here's what you
17 haven't done. He tried to explain it to me, but
18 I was foggy. After that day that Professor Kull
19 had -- I met with Professor Kull in his office,
20 and as I said, I was shocked. I was so shocked
21 that I didn't want to be anywhere anymore, even
22 on the earth. It was that horrible. So I
23 started to double up on the medication that I
24 was on, so anything anybody was saying, I was

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1 out of it.

2 Q Did you double up of your own accord? Were you
3 self-prescribing?

4 A No, I advised my physician that I was doubling
5 up.

6 Q What medication is this?

7 A Phenaphen.

8 Q What were you taking Phenaphen to treat?

9 A Gastrointestinal distress, nerves basically.

10 Anything that had anything to do with anything
11 neurological. It made me forget about what
12 happened with Kull.

13 Q Now, with regard to Professor Kull, you write in
14 your response to interrogatories that he could
15 see that you were, quote, "out of it." That
16 seems to be your phrase?

17 A Those were his words.

18 Q Professor Kull told you you were out of it?

19 A He didn't tell me anything. At the hearing, he
20 testified that he could see that I was out of
21 it.

22 Q You write, "When he found out that I was on
23 medication, he told my University appointed
24 attorney that he never would have given me an F

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1 had he known I was on medication." Who was your
2 University appointed attorney?

3 A Arnold Rosenfeld.

4 Q So Interrogatory Number 12 states that Professor
5 Kull -- sorry, I will wait for you to get it.

6 A (Witness reviews document.) Yes.

7 Q Interrogatory Number 12 states that Professor
8 Kull told Arnie Rosenfeld that if he had known
9 you were on medication, he would not have given
10 you an F?

11 A That's correct.

12 Q And Mr. Rosenfeld told you that?

13 A Yes.

14 Q Now, I want to get back to your interactions
15 with Professor Steve Marx. You said he had
16 never seen anybody get off so easy. This is in
17 reference to a plagiarism finding?

18 A I guess, or disciplinary actions, in general, I
19 don't know.

20 Q Did you discuss at all with him what you had
21 done that was inappropriate in writing your
22 paper?

23 A I asked him to please look at my paper. I have
24 other papers to write, please look at it, tell

55

1 me what it is, we can sit down and go over it
2 together. And he said, "Why do you want to go
3 over this? We're not going to file charges, so
4 just let it go."

5 Q You're familiar with the Judicial Discipline
6 Code, aren't you, the law school's --

7 A The one that's in the Blue Book. It's the one
8 that's in the Student Handbook?

9 Q Yes.

10 A Okay, yes.

11 Q You're familiar with the definition of
12 plagiarism in there?

13 A Yes.

14 Q Ms. Kiani, please take a look at your Complaint,

15 Exhibit 1, and turn to page 6.

16 A Yes.

17 Q Please read paragraphs 82 to 84.

18 A Um-hmm.

19 Q Read them to yourself.

20 A (Witness reviews document.) Yes.

21 Q Are these assertions accurate?

22 A Yes.

23 Q In paragraph 82 you say that you were deprived
24 an accommodation because you were not given a

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1 private room in the library to listen to class
2 tapes.

3 A Yes.

4 Q Did you ask for a private room in the library?

5 A No. What I meant by that was that the other
6 students had access to private rooms as such,
7 but I didn't because those rooms are downstairs,
8 so you would actually have to take a flight of
9 stairs down to get to those rooms.

10 Q What floor are they on in this building?

11 A I have never been, so I don't know.

12 Q Is the law school library in the building where
13 the law school is housed?

14 A Yes.

15 Q And you get to the library by the elevator?

16 A Yes.

17 Q Were you chairbound for your entire three years

18 at the law school, or did you occasionally use
19 crutches or other mobility devices?

20 A I used crutches occasionally, yes.

21 Q Did you ever ask anyone for a private place to
22 listen to your tapes?

23 A I don't remember.

24 Q Ms. Kiani, did you take a course with Professor

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1 Wendy Mariner?

2 A I did.

3 Q What course did you take?

4 A Managed Care and The Law, that's the title of
5 it.

6 Q Did you write a paper for Professor Mariner's
7 class?

8 A Yes, I wrote two, actually.

9 Q Let's talk about the second paper.

10 A Right.

11 Q Is the second paper the source of the plagiarism
12 charge in Professor Mariner's class?

13 A It's not the only one.

14 Q It was for both papers?

15 A Yes.

16 Q Did Professor Mariner determine that you had
17 plagiarized your papers in her class.

18 A No, what she did was she sent allegations of
19 plagiarism to Dean Cass; Dean Cass sent them

20 over to his designee, which was Professor
21 Ryckman; Professor Ryckman did an investigation,
22 and then he decided to file charges.
23 (The document was marked as Exhibit
24 No. 13.)

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1 Q Ms. Kiani, your stamina is very impressive.
2 A I'm going on pure adrenaline. It's not a
3 testament to my physical strength. I want you
4 to know that.
5 Q We can take a break whenever you like.
6 A Okay. I want to get done with this. If you
7 guys want to take a break, go ahead.
8 Q I don't want you to put pressure on yourself
9 because both you and Boston University will be
10 well served if you can answer carefully and
11 thoughtfully and not under pressure to get this
12 done. It will get done when it's done.
13 A I just meant by getting done, I'm anxious to see
14 everything. Half of this stuff, I haven't seen,
15 so I'm just like...
16 MR. TARIRI: Can we go off the record
17 for a second, please?
18 MR. ELSWIT: Sure.
19 (Wherein a brief break was held.)
20
21 BY MR. ELSWIT:
22 Q Can you identify Exhibit 13, please?

23 A It's a letter from Dean Cass letting me know of
24 the allegations of plagiarism in Professor

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1 Mariner's class, and he is also letting me know
2 that I'm barred from participating in
3 commencement ceremonies because of this pending
4 investigation.

5 (The documents were marked as
6 Exhibit Nos. 14 and 15.)

7 Q Please tell me when you have read Exhibits 14
8 and 15.

9 A (Witness reviews document.) I'm finished.

10 Q Both 14 and 15?

11 A Yes, they are pretty much the same thing. It's
12 just that 14 is in a different format, because
13 this was printed out from BU's system, I gather,
14 and this is off of my Computer.

15 Q Ms. Kiani, Exhibit 14 has a Bate stamp number BU
16 0217, which indicates that Boston University
17 produced this document to your attorney in
18 response to discovery.

19 A Um-hmm.

20 Q It is an e-mail from you to Dean Cass, dated
21 May 16, 2003; correct?

22 A Yes.

23 Q But Exhibit 15 does not have a Bate stamp, which
24 indicates that your attorney produced it to

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1 Boston University.

2 A Yes.

3 Q The text of these documents is not the same,
4 these are different documents. I wonder if you
5 can explain Exhibit 15? Was this a draft or did
6 you send this?

7 A This was a draft.

8 Q Exhibit 15 is a draft?

9 A Yes. Can you help me out a little bit here.
10 Where is that you're saying they are not the
11 same.

12 Q First of all, Exhibit 14 begins, "Dear Dean
13 Cass, I am writing this e-mail to you in regards
14 to a letter of suspension that I have received
15 this week." Exhibit 15 begins, "Dean Cass, Hi!
16 I am writing to you in regards to my
17 suspension." And from there the text is
18 dissimilar throughout each of the two documents.

19 A I suppose that Exhibit 14 is a bit more polished
20 than 15 is.

21 Q Can we conclude, and this is not a trick
22 question, I just want to make sure the record is
23 clean. Can we conclude that Exhibit 15 is a
24 draft that you saved on your computer but never

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1 sent?

2 A What I did was -- This was a draft from my
3 computer, yes.

4 Q This, being 15?

5 A Yes. What I did was I did a copy and paste to
6 e-mail format. And then what I did was polished
7 some of the words. So I wouldn't say I never
8 sent it.

9 Q Exhibit 15 in its present format was never
10 received by Boston University. Would you agree
11 that you never sent Exhibit 15 as it exists
12 right now?

13 A I don't remember.

14 Q But Exhibit 14 clearly was sent?

15 A Yes.

16 Q And Exhibit 14 is your response to Dean Cass'
17 letter to you, which is Exhibit 13?

18 A Yes.

19 Q All I want to do is make sure that the
20 chronology is clean and that the record is
21 accurate.

22 A Well, no, again, these are numbered --

23 Q Don't worry about the numbering of the exhibits
24 in this deposition. That doesn't matter, that's

62

1 simply the way they come up in deposition.

2 A I was trying to let you know that I'm paying
3 attention.

4 Q I have no doubt that you are paying attention.

5 (The document was marked as Exhibit

6 No. 16.)

7 A (Witness reviews document.)

8 Q Ms. Kiani, can you identify Exhibit 16?

9 A Yes.

10 Q What is Exhibit 16?

11 A I wrote this to Professor Mariner hoping to
12 discuss the allegations.

13 Q Did you hear back from Professor Mariner?

14 A I did not.

15 (The document was marked as Exhibit

16 No. 17.)

17 Q Have you read Exhibit 17?

18 A Yes.

19 Q Can you identify it?

20 A Yes. This was the letter informing me that I
21 have been charged formally. It talks about the
22 process of what I would need to go through for
23 the hearing. That is basically it. And it lets
24 me know that I can have counsel of my choice.

63

1 Q By the time you received Exhibit 17, was Arnold
2 Rosenfeld your counsel of choice?

3 A Yes.

4 Q Dean Cass must have known that?

5 A Yes.

6 Q How did he know that?

7 A I have this in documentation if you need it. I
8 went to see Professor Rosenfeld, Professor
9 Rosenfeld agreed to represent me. He then sent
10 Dean Cass an e-mail that says, "Unless you have
11 any objection, I will be representing Layla
12 Kiani in the charges brought against her.
13 Please let Professor Ryckman know that if he is
14 to talk to her, he is to do it through me." And
15 Professor Rosenfeld sent me this e-mail, along
16 with Dean Cass' response, which says, this is
17 verbatim, "I will let Professor Ryckman know.
18 Have a good weekend."

19 Q That e-mail exchange was not produced to Boston
20 University. Why not?

21 A I guess it was an oversight. I didn't mean to
22 not.

23 Q Can you get me a copy of that e-mail exchange,
24 please?

64

1 A Sure.

2 Q Thank you. Ms. Kiani, in the first paragraph of
3 Exhibit 17, the first sentence, actually, Dean
4 Cass refers to the Boston University School of
5 Law Disciplinary Regulations.

6 A Yes.

7 Q Are you familiar with the disciplinary
8 regulations?

9 A Yes.

10 Q Did you read them insofar as there were parts of
11 it that pertained to you?

12 A Yes.

13 Q Did you read the whole thing cover to cover?

14 A Yes.

15 Q You did?

16 A Yes.

17 (The document was marked as Exhibit
18 No. 18.)

19 Q Can you identify Exhibit 18, please?

20 A These are the charges.

21 Q Ms. Kiani, when did you read them for the first
22 time?

23 A For the first time, I skimmed over them the
24 first year.

65

1 Q In 2003, when did you read them?

2 A I had had some familiarity with it before I went
3 to visit Professor Rosenfeld to ask him to
4 represent me.

5 Q When did you visit Professor Rosenfeld?

6 A That same day that that e-mail that you don't
7 have was written.

8 Q So that was sometime after you received notice
9 that you were suspended?

10 A Yes.

11 Q Sometime after Dean Cass' letter of May 12,

12 2003?

13 A A few days after, yes.

14 Q Did you read the disciplinary regulations
15 between the time you received Dean Cass' May 12,
16 2003 letter and the time you went to see Arnie
17 Rosenfeld?

18 A I know that I went and read them right before I
19 went to see Professor Rosenfeld, but I couldn't
20 tell you what I did in those days between when I
21 was charged and when I went to see Professor
22 Rosenfeld. I was so out of it, I wished I was
23 dead.

24 Q We don't need to get into specifics about what

66

1 you did, I just need a general timeframe here.

2 Did you have the opportunity to meet
3 with Professor William Ryckman in advance of the
4 Judicial Committee Hearing?

5 A You mean did I meet with him?

6 Q Did you have the opportunity to meet with him?

7 A Define opportunity.

8 Q Did you have the chance to meet with Professor
9 Ryckman? Let me put it a different way.

10 A Please.

11 Q Did Professor Ryckman ask to meet with you or
12 invite you to meet with him?

13 A Did he ask me directly?

14 Q Either you or through your attorney.

15 A He asked my attorney, but before he asked my
16 attorney, I had gone to -- The reason I went to
17 Professor Rosenfeld to ask him to represent me
18 because I did not, for the life of me, want to
19 talk to Professor Ryckman.

20 Q Why was that?

21 A He is legendary.

22 Q In what respect?

23 A I have heard that he makes students emotionally
24 uncomfortable.

67

1 Q Had you ever met him before?

2 A No.

3 Q Have you heard that he makes students, I'm using
4 your phrase now, emotionally uncomfortable in
5 his classes?

6 A Yes.

7 Q Have you heard anything about Professor
8 Ryckman's role in the discipline process?

9 A I didn't know until charges -- I didn't know
10 until after I went to see Professor
11 Rosenfeld that -- well, no. Steve Marx had
12 already advised me a little bit about the
13 process and what was going to happen, so I think
14 I heard it from him that it was going to be
15 Professor Ryckman.

16 Q Was Arnie Rosenfeld a professor at that time?

17 A Yes, he was.

18 Q A visiting professor?

19 A I don't know his title.

20 Q Did you talk with Professor Rosenfeld about
21 meeting with Professor Ryckman?

22 A I did. I told him I didn't want to do it.

23 Q You told him you did not want to do it?

24 A Yes.

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1 Q I don't want to ask you about what he told you,
2 but after talking with Professor Rosenfeld, did
3 you decline to meet with Professor Ryckman?

4 A No, what I thought and what I had said that I
5 didn't want to meet with him was only
6 reaffirmed.

7 Q So the combination of your own desire not to
8 meet with Professor Ryckman and your meeting
9 with Professor Rosenfeld led you not to meet
10 with Professor Ryckman; is that fair?

11 A Yes.

12 Q When was the first time you met with Professor
13 Ryckman?

14 A I only saw him at the hearing on September 12,
15 2003.

16 Q Did you have any written communications with
17 Professor Ryckman before the hearing in
18 September 2003?

19 A No.

20 Q Did Professor Ryckman communicate to you in
21 writing before September 2003?

22 A No.

23 Q Did he communicate either verbally or in writing
24 with Professor Rosenfeld about your case before

69

1 September 2003?

2 A Yes.

3 Q When?

4 A I know that that they talked throughout the
5 course of Professor Rosenfeld representing me,
6 I'm not sure when. I don't know specific dates.

7 Q Do you think they talked before the hearing in
8 September 2003?

9 A Yes.

10 Q Do you know what they talked about?

11 A Professor Rosenfeld was trying to be my
12 advocate. I don't know what was said.

13 Q Do you know if Professor Ryckman communicated to
14 Professor Rosenfeld any desire to meet with you?

15 A Yes.

16 Q Your testimony is that Professor Ryckman told
17 Professor Rosenfeld that he wanted to meet with
18 you?

19 A Yes.

20 Q What did Professor Rosenfeld tell Professor
21 Ryckman?

22 A This is not a direct quote, but he said that my
23 client doesn't want to meet with you, and I have
24 advised her not to.

70

1 Q Ms. Kiani, did you read Boston University's
2 Motion to Dismiss?

3 A Yes -- wait. Was that the initial one or the
4 one that you filed and then Judge Saris ruled
5 on?

6 Q I will show you. (Mr. Elswit scans documents.)
7 Actually, I don't have those documents here, and
8 we're going to have to just address this theme
9 after lunch.

10 A Okay.

11 THE WITNESS: May I just ask a general
12 question?

13 MR. ELSWIT: Sure. Do you want to be
14 on the record or not?

15 THE WITNESS: It doesn't matter.

16 MR. ELSWIT: I will give you that
17 liberty that I don't ordinarily give witnesses.

18 THE WITNESS: Is it possible that I
19 communicate with counsel outside of these
20 proceedings?

21 MR. ELSWIT: I will tell you what.
22 Why don't we take a lunch break a little earlier
23 than usual, and you can talk all you want, and I

24 will decide how much I want to inquire of those

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1 conversations. And if Mr. Tariri objects, we'll
2 go from there. Would that be all right?

3 THE WITNESS: That's fine. Thank you.

4 (Wherein the lunch break was held.)

5

6 BY MR. ELSWIT:

7 Q Ms. Kiani, before the lunch break -- and I
8 should remind you that the same rules are in
9 effect. You're under oath, and if you need a
10 break at any time, you can ask for one, and
11 we'll, of course, get it.

12 A I understand.

13 Q Ms. Kiani, before the lunch break, we were
14 talking about the disciplinary rules. I believe
15 you said you skimmed them in your first year and
16 then read them more carefully in the spring or
17 summer of 2003?

18 A That's correct.

19 Q Had you read them before you skimmed them in
20 your first year?

21 A No.

22 Q So you didn't read them when you applied to law
23 school?

24 A No.

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1 Q Had you already enrolled in law school and
2 matriculated in your classes when you first
3 skimmed them?

4 A Yes.

5 Q When you read them in the spring of 2003, was
6 this after you received Exhibit 13, which is
7 Dean Cass' letter informing you that you were
8 put on suspension?

9 A Yes.

10 Q Now before the lunch break, we were talking
11 about --

12 A Can you give us a minute, please.

13 Q Sure.

14 A Yes.

15 Q Yes what?

16 A Still yes to my last question.

17 Q In other words, you read the disciplinary rules
18 through --

19 MR. TARIRI: No, I'm sorry, she is
20 just saying yes, just reconfirming what she said
21 before that she received the letter from Dean
22 Cass on May 12th. You were referring to
23 Exhibit 13, so she is saying yes to that.

24 Q Let's clean that up a little bit. We're in

73

1 agreement that you received Exhibit 13 some time
2 after it was written on May 12, 2003; is that

3 correct?

4 A Yes.

5 Q After you received Exhibit 13, Dean Cass'
6 letter, did you then read the disciplinary
7 rules?

8 A Yes.

9 Q Was that the first time you had read them
10 carefully?

11 A Yes.

12 Q Before the lunch break we talked about Professor
13 Ryckman, and you testified that you did not want
14 to see him. And after talking with Professor
15 Rosenfeld, you declined to see Professor
16 Ryckman.

17 A Yes.

18 Q To your knowledge, did Professor Ryckman ask
19 Professor Rosenfeld if he could speak with you?

20 A Yes.

21 Q Or encouraged you to speak with him?

22 A Yes.

23 Q And you still declined?

24 A Yes.

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1 Q You also testified that the first time you saw
2 Professor Ryckman was at the hearing in
3 September of 2003?

4 A Yes.

5 Q Was that the only time you saw or met with

6 Professor Ryckman?

7 A Yes.

8 Q You didn't meet with him again afterward?

9 A No.

10 Q Please take a look at Exhibit 1, which is the
11 Complaint that you filed in this case.

12 MR. TARIRI: What page?

13 Q Turn to the very last page. Ms. Kiani, the last
14 page of Exhibit 1 is the second page of Exhibit
15 F to the Complaint.

16 A Okay.

17 Q Can you see that?

18 A Yes.

19 Q Your complaint included as an attached exhibit a
20 photocopy of two pages of the Student Discipline
21 Code; is that correct?

22 A Yes.

23 Q Now, on the very top of the last page, the
24 paragraph is incomplete, but it's bracketed.

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1 A I see that.

2 Q Did you or your attorney bracket that paragraph?

3 A My attorney now?

4 Q Yes.

5 A I have no way of knowing that.

6 Q Ms. Kiani, the first complete sentence on the
7 top of the last page of the Complaint,

8 Exhibit 1, states, "All students are to be
9 informed of the right to counsel and the right
10 to remain silent, and shall be warned that
11 anything the student may say may be used against
12 the student." Did I read that correctly?

13 A Yes.

14 Q The second sentence says, "The student shall be
15 requested to sign a statement to the effect that
16 he or she has been informed of the above rights
17 and has received the above warning." Did I read
18 that correctly?

19 A Yes.

20 Q Ms. Kiani, you filed a Complaint against Boston
21 University alleging breach of contract.

22 A Yes.

23 Q As I understand the Complaint, the breach of
24 contract claim is based on your assertion that

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1 you did not get these rights; is that correct?

2 A Yes.

3 Q Is there any other basis for the breach of
4 contract claim, if you know?

5 A Do I have a moment to --

6 Q No, you cannot talk with your attorney, but if
7 you don't know the answer, that's fine.

8 A I think so, but I don't know.

9 Q Okay. I don't know is an acceptable answer as
10 long as it's truthful.

11 A Okay.

12 Q Now, please turn to page 4 and page 5 of the
13 Complaint itself. These pages are numbered. Do
14 you see on the bottom of page 4, it's the
15 beginning of Count 1, Breach of Contract?

16 A I do.

17 Q Turning to page 5, Count 1 continues.

18 A Right.

19 Q And it asserts that the University breached its
20 contract with you because the University
21 violated the procedural rules and regulations
22 requiring that the student be afforded the right
23 to remain silent?

24 A That's correct.

77

1 Q Ms. Kiani, were you ever given the right to
2 remain silent --

3 A I was not.

4 Q -- at any point during the proceedings?

5 A I was not.

6 Q Now, let's get back to the question that I asked
7 you immediately before we broke for lunch, which
8 was, did you read Boston University's motion to
9 dismiss? And you weren't certain --

10 A Which one is that?

11 Q There was only one motion to dismiss, but if
12 you're not sure if you've read it, simply say so

13 and we can move on.

14 A If I ask you something, will you be able to
15 clarify it?

16 Q No, it's my job to ask the questions, you just
17 need to answer them.

18 A I don't know.

19 Q That's a perfectly fine answer.

20 Ms. Kiani, I'm going to represent that
21 the following document, which will be labeled as
22 Exhibit 19, was attached to Boston University's
23 Motion to Dismiss.

24 (The document was marked as Exhibit

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1 No. 19.)

2 Q Why don't you look at it?

3 A Is there supposed to be a blank page?

4 Q Yes.

5 A (Witness reviews document.) Okay.

6 Q Ms. Kiani, have you ever seen this document
7 before?

8 A I have.

9 Q Where did you see it?

10 A As you said, it was attached to your Motion to
11 Dismiss.

12 Q Ms. Kiani, this is a transcript, and as you can
13 see, there are four pages per sheet of paper.
14 That's the way this transcript was prepared.

15 A Okay.

16 Q Do you see in the top left hand corner, page 1?

17 A I do.

18 Q And this document is called Partial Transcript
19 of Hearing of the School of Law Judicial
20 Committee, September 12, 2003.

21 A Yes.

22 Q Now, Ms. Kiani, please turn to the second sheet,
23 and in the upper right-hand box, the upper
24 right-hand corner is page 7 of the transcript.

79

1 Do you see page 7 up on the top right?

2 A Right, I do.

3 Q The first text is, "Mr. Rosenfeld: I thought
4 you were doing it," and then Professor Ryckman.

5 A Right.

6 Q Please read to yourself Professor Ryckman's
7 remarks that start at the top of page 7 and go
8 to the bottom.

9 A (Witness reviews document.) Yes.

10 Q The second paragraph contains the following
11 sentence. This is Professor Ryckman now.
12 "Obviously, the student has a right to remain
13 silent, and on advice of counsel, I was informed
14 that Ms. Kiani did not wish to be interviewed by
15 me."

16 A Right.

17 Q Were you at the hearing when Professor Ryckman

18 said, "Obviously, the student has a right to
19 remain silent"?

20 A Yes.

21 Q Do you recall Professor Ryckman saying this?

22 A Yes.

23 Q You knew you had this right because you had read
24 the discipline rules; is that correct?

80

1 A No, like I said, I just skimmed procedurally to
2 see what the process was.

3 Q Your testimony so far is, you skimmed the rules
4 in the fall of 2000?

5 A Right.

6 Q And that you read then more carefully after you
7 received your letter of suspension?

8 A Yes.

9 Q Did you read them or skim them?

10 A I don't remember.

11 Q Did you discuss your right to remain silent with
12 Professor Rosenfeld, your attorney?

13 A No.

14 Q This text, Professor Ryckman's text says,
15 "Obviously, the student has a right to remain
16 silent, and on the advice of counsel, I was
17 informed that Ms. Kiani did not wish to be
18 interviewed by me." Is that correct?

19 A Yes.

20 Q Did you speak at this hearing on September 12,

21 2003?

22 A Yes.

23 Q Was your attorney present?

24 A Yes.

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1 Q Did your attorney ask you questions?

2 A Yes.

3 Q Did your attorney tell you not to respond to any
4 questions?

5 A No.

6 Q Did you answer questions from other participants
7 of the hearing?

8 A Yes.

9 Q Did your attorney tell you to answer or not to
10 answer any of those questions?

11 A No.

12 Q Now Ms. Kiani, in light of this transcript, is
13 it accurate to say that you were advised of your
14 right to remain silent?

15 A No.

16 Q Why not?

17 A My previous testimony, if you recall, was that
18 before I even went to Professor Rosenfeld to ask
19 him to represent me, was that I knew I didn't
20 want to talk to Professor Ryckman. So it wasn't
21 based on anybody's advice that I shouldn't talk
22 to him. It was, as I said before, it

23 reconfirmed what I already knew.

24 Q Which was?

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1 A That I didn't want to talk to him.

2 Q And you understood that you had a right not to
3 talk to him? Nobody was forcing you to talk to
4 him?

5 A No. You're correct, nobody was forcing me.

6 Q So you understood you had the right not to talk
7 to Professor Ryckman?

8 A Yes.

9 (The document was marked as Exhibit
10 No. 20.)

11 A (Witness reviews document.)

12 Q Are you familiar with Exhibit 20?

13 A I am.

14 Q What is Exhibit 20?

15 A It talks about a decision being reached in the
16 case.

17 Q Was this the decision of the Judicial Committee?

18 A Yes.

19 Q What did the decision conclude?

20 A That I had violated the disciplinary regulations
21 of the school.

22 Q Did it impose a sanction?

23 A Yes.

24 Q How much was that sanction?

83

1 A Six months.

2 (The document was marked as Exhibit

3 No. 21.)

4 Q Just take a look at Exhibit 21.

5 A (Witness reviews document.)

6 Q Have you read Exhibit 21?

7 A Yes.

8 Q Did you receive Exhibit 21?

9 A Yes.

10 Q Exhibit 21 is a letter from Mary Jo Sullivan,
11 the Registrar of the Law School, to you, dated
12 December 18, 2003. Can you summarize its
13 contents, please?

14 A It's basically saying that due to the decision
15 made by the Judicial Committee, my grades have
16 been changed in some courses, and subsequently,
17 I have been dropped for academic deficiency.

18 (The document was marked as Exhibit

19 No. 22.)

20 Q Can you identify Exhibit 22, please?

21 A (Witness reviews document.) The first page is a
22 final transcript, and the second attached page
23 is the course that I took at Suffolk.

24 Q The first page on the bottom right, it appears

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1 to be dated December 18, 2003?

2 A Yes.

3 Q The same day as Ms. Sullivan's letter?

4 A Yes.

5 Q And it indicates that you were dropped for
6 academic deficiency in the lower left?

7 A Yes.

8 Q Is this the final transcript you received from
9 Boston University?

10 A Yes.

11 (The document was marked as Exhibit
12 No. 23.)

13 A (Witness reviews document.)

14 Q Can you identify Exhibit 23?

15 A I wrote this to the faculty as part of my
16 petition for reinstatement.

17 Q There's no date on this document. Do you know
18 approximately when you wrote this?

19 A No, I don't.

20 Q Would it be fair to presume that it was written
21 after December 18, 2003?

22 A Yes.

23 Q Were you still being represented by Arnie
24 Rosenfeld?

85

1 A Yes.

2 Q Did he also file a petition on your behalf?

3 A Yes.

4 (The document was marked as Exhibit

5 No. 24.)

6 Q Can you identify Exhibit 24?

7 A It's a letter from Chris Marx and she is saying
8 that the Academic Standards Committee is not
9 inclined to recommend to the faculty that I be
10 reinstated, but that I have one last chance to
11 appear before them to make my case. And if I
12 wish to do so, could I please let her know.

13 Q Did you wish to do so?

14 A Yes.

15 Q Did you appear before the Academic Standards
16 Committee?

17 A I did.

18 (The document was marked as Exhibit

19 No. 25.)

20 Q Can you identify Exhibit 25, please?

21 A This is basically saying that my petition for
22 reinstatement had been denied.

23 Q This is a letter from Dean Marx to you dated
24 December 5, 2004?

86

1 A February 5th

2 Q February 5, 2004. I beg your pardon.

3 A Yes.

4 Q Was this letter written after you appeared
5 before the committee?

6 A Yes.

7 Q Ms. Kiani, was there a subsequent petition?

8 A You mean after?

9 Q After the --

10 A After the petition?

11 Q Yes, did you have one more appeal?

12 A Appeal, no.

13 Q One more petition?

14 A I'm not sure.

15 (The document was marked as Exhibit
16 No. 26.)

17 Q Ms. Kiani, Exhibit 26 is a letter from Dean Cass
18 to Arnie Rosenfeld with a copy to you dated
19 March 1, 2004. Do you remember receiving this
20 document?

21 A Yes.

22 Q This letter indicates that the faculty met on
23 February 23rd to consider your petition for
24 reinstatement?

87

1 A Yes.

2 Q Did you petition the full faculty after the
3 Academic Standards Committee denied your
4 petition for reinstatement?

5 A Yes.

6 Q The full faculty also denied your petition for
7 reinstatement?

8 A Well, I'm not sure how the process worked.

9 Professor Rosenfeld did submit something to

10 them.

11 Q To the full faculty?

12 A Yes. I'm just not sure like how it came to play
13 after everything.

14 Q This letter would indicate that the full faculty
15 considered that petition and declined to allow
16 you to re-enroll?

17 A Yes.

18 Q Ms. Kiani, who is Cory Welles?

19 A My college freshman English Professor, freshman
20 and sophomore.

21 Q Did you talk with Professor Welles about this
22 case?

23 A I did.

24 Q What did you tell her?

88

1 A Well, everything. Everything.

2 Q What is everything?

3 A From beginning to end, basically.

4 Q Who is Joe Ostrowsky?

5 A He is an attorney.

6 Q Did you talk to him with a mind of asking him to
7 represent you?

8 A No.

9 Q Is he a friend?

10 A Yes.

11 Q Did you talk to him about everything, to use

12 your word?

13 A Yes.

14 Q Ms. Kiani, in your interrogatories, you indicate
15 that Professor Pettit and Professor Miller will
16 be called as witnesses should this case come to
17 trial.

18 A Yes.

19 Q What do you expect Professor Pettit will testify
20 about?

21 A He knew me best, and I don't know what he will
22 testify about.

23 Q How about Professor Miller?

24 A I don't know what he is going to testify about.

89

1 Q Ms. Kiani, please take a look at Exhibit 2 and
2 turn to Interrogatory Number 12.

3 A Yes.

4 Q About midway down that paragraph, Paragraph C,
5 you write, "Professor Ryckman stated that I
6 would have been informed of my right to remain
7 silent had I met with him, but that was not the
8 requirement for informing a person of the right
9 to remain silent."

10 What do you mean here?

11 A That's what he said, that he didn't tell me
12 directly of my right to remain silent because I
13 didn't meet with him.

14 Q He told you of your right to remain silent at

15 the Judicial Disciplinary Committee hearing,
16 didn't he?

17 A No, he made a general statement.

18 Q He made a general statement of your right to
19 remain silent?

20 A That wasn't to me.

21 Q He made a general statement of the right to
22 remain silent and you heard it, didn't you?

23 A Yes.

24 Q Were you the only student before the Judicial

90

1 Committee at that particular day?

2 A Yes.

3 MR. ELSWIT: Well, Ms. Kiani, you have
4 been a delightful witness, and I have no further
5 questions.

6 THE WITNESS: Really?

7 MR. ELSWIT: Really.

8 THE WITNESS: I didn't think this
9 would end so soon.

10 MR. TARIRI: I have some questions, if
11 I may.

12 MR. ELSWIT: Sure.

13

14 CROSS EXAMINATION

15 BY MR. TARIRI:

16 Q Regarding the issue of being advised of the

17 right to remain silent, were you ever advised
18 that you had a right to remain silent by anyone
19 from BU?

20 A No.

21 Q Either in writing or verbally?

22 A No.

23 Q Ms. Kiani, I direct your attention to Exhibit
24 Number 7. Can you identify that exhibit,

91

1 please? What does it appear to be?

2 A A letter from Dean Chris Marx.

3 Q Did you receive a letter like that from Dean
4 Marx?

5 A I have never seen this until now.

6 Q So you don't recall receiving anything like
7 this?

8 A No.

9 Q Were you advised of the requirements for
10 obtaining accommodations in any form from Dean
11 Marx?

12 A No.

13 Q Ms. Kiani, you had asked for certain
14 accommodations that you had not received?

15 A Yes.

16 Q What would have happened had you received those?

17 MR. ELSWIT: Objection.

18 MR. TARIRI: Objection noted.

19 Q You can answer.

20 A I would have been on a level playing field with
21 everyone else. Everyone else is able to take
22 notes and I'm not. So I would have been on -- I
23 would have had the same things that everyone
24 else had.

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1 Q So how were you taking notes in class in law
2 school?

3 A I was using a tape recorder.

4 Q Can you just elaborate. What would you do then?
5 Can you describe the procedure?

6 A Yes, I would tape the lectures in class, then I
7 would have to go home and type those out by
8 hand.

9 Q Generally, how long would it take you to type an
10 hour speech, an hour lecture by hand, after
11 having had the tape?

12 A For one class, it would take five hours. I
13 timed this.

14 MR. TARIRI: I have no further
15 questions. Thank you.

16

17 REDIRECT EXAMINATION

18 BY MR. ELSWIT:

19 Q Ms. Kiani, could you take a look at Exhibit 7?

20 A Sure.

21 Q Just now you testified that you have never seen

22 this document?

23 A Right.

24 Q Did you have an e-mail exchange with Dean Marx

93

1 about your accommodations?

2 A I don't remember.

3 Q When we discussed this document this morning, do
4 you remember we discussed this document in some
5 detail?

6 A Yes.

7 Q Why didn't you testify in the morning that you
8 had not seen this document?

9 THE WITNESS: Is it possible that I be
10 read back what I said?

11 MR. ELSWIT: Certainly, if you can get
12 back to it.

13 (Page 25, Lines 7-22 were read by
14 the court reporter.)

15 Q On review of the record, it appears that this
16 morning you did testify that you did not
17 remember this document.

18 A Thank you.

19 MR. ELSWIT: And with that, I am done.

20 MR. TARIRI: I'm all set. Thank you.

21

22 (Whereupon at 1:48 p.m., the
23 deposition was concluded.)

24

SIGNATURE PAGE/ERRATA SHEET

Re: Layla Kiani vs. Trustees of Boston University

April 21, 2005
Deposition of Layla Kiani

I, LAYLA KIANI, do hereby certify that I have read the foregoing transcript of my testimony and further certify that it is a true and accurate record of my testimony (with the exception of the following changes listed below):

| Page | Line | Correction |
|-------|-------|------------|
| _____ | _____ | _____ |
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Signed under the pains and penalties
of perjury this _____ day of _____ 200____.

LAYLA KIANI

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
NORFOLK, SS.

I, Camille Macomber, Notary Public and
Registered Professional Reporter in and for the
Commonwealth of Massachusetts, do hereby
certify:

That Layla Kiani, the witness whose
deposition is hereinbefore set forth on pages 5
through 93, inclusive, was duly sworn by me;
that her testimony thereupon given was recorded
by me stenographically and transcribed by me;
and that such deposition is a true record of the
testimony given by the said witness to the best
of my knowledge, skill and ability.

IN WITNESS WHEREOF, I hereunto set my
hand this 2nd day of May 2005.

Camille Macomber, RPR
Court Reporter
Notary Public

My Commission Expires:
August 19, 2005